

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOMINGO OROZCO, *et al.*,

Plaintiffs,

Case No. 21-cv-12823
Hon. Matthew F. Leitman

v.

FCA US, LLC,

Defendant.

/

**ORDER TERMINATING DEFENDANT’S MOTION
TO DISMISS (ECF No. 7) WITHOUT PREJUDICE AS MOOT**

On December 3, 2021, Plaintiffs Domingo Orozco and others filed this breach of warranty action against Defendant FCA US, LLC (“Chrysler”). (*See* Compl., ECF No. 1.) Plaintiffs allege, among other things, that the aluminum body panels on their Chrysler vehicles have corroded in violation of Chrysler’s express warranties. (*See id.*) Chrysler then filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 7.)

On February 22, 2022, without expressing any view on the merits of the motion to dismiss, the Court entered an order granting Plaintiffs leave to file a First Amended Complaint in order to remedy the alleged deficiencies in their claims identified by Chrysler in its motion to dismiss. (*See* Order, ECF No. 10.) The Court

informed the parties that if Plaintiffs decided to file a First Amended Complaint, it would terminate Chrysler's motion to dismiss without prejudice. (*See id.*)

On March 3, 2022, Plaintiffs filed a notice with the Court that they intend to file a First Amended Complaint. (*See* Notice, ECF No. 12.) Accordingly, because Plaintiffs will be filing a First Amended Complaint, the Court **TERMINATES** Chrysler's motion to dismiss (ECF No. 7) **WITHOUT PREJUDICE AS MOOT**. Chrysler may re-file a motion to dismiss directed at the First Amended Complaint if it believes that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: March 7, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 7, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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